

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

MICHELLE GRAY, on behalf of herself and all  
others similarly situated,

Plaintiff(s),

-against-

PRESSLER, FELT & WARSHAW, L.L.P.;  
LVNV FUNDING, LLC,

Defendant(s).

Civil Case Number: \_\_\_\_\_

**CIVIL ACTION**

**CLASS ACTION COMPLAINT AND  
DEMAND FOR JURY TRIAL**

**LOCAL CIVIL RULE 10.1 STATEMENT**

1. The mailing addresses of the parties to this action are:

MICHELLE GRAY  
35 Pearce Avenue  
Eatontown, New Jersey 07724

PRESSLER, FELT & WARSHAW, L.L.P.  
7 Entin Road  
Parsippany, New Jersey 07054

LVNV FUNDING, LLC  
700 Executive Center Drive, #300,  
Greenville, South Carolina 29615

**PRELIMINARY STATEMENT**

2. Plaintiff on behalf of herself and all others similarly situated (“Plaintiff”), by and through her attorneys, alleges that Defendants, PRESSLER, FELT & WARSHAW, L.L.P. (“PRESSLER”); LVNV FUNDING, LLC (“LVNV”) and JOHN DOES 1-25, their employees, agents and successors (collectively “Defendants”) violated 15 U.S.C. § 1692 *et seq.*, the Fair Debt

Collection Practices Act (hereinafter “FDCPA”), which prohibits debt collectors from engaging in abusive, deceptive and unfair practices.

### **JURISDICTION AND VENUE**

3. This Court has jurisdiction over this action pursuant to 15 U.S.C. § 1692k(d). This is an action for violations of 15 U.S.C. § 1692 *et seq.*

4. Venue is proper in this district under 28 U.S.C. §1391(b) and 15 U.S.C. § 1692k(d) because the acts of the Defendant that give rise to this action, occurred in substantial part, in this district.

### **DEFINITIONS**

5. As used in this complaint, the terms “creditor,” “consumer,” “debt” and “debt collector” are defined at 15 U.S.C. § 1692a.

### **PARTIES**

6. Plaintiff is a natural person, a resident of Monmouth County, New Jersey and is a “Consumer” as defined by 15 U.S.C. § 1692a(3).

7. PRESSLER maintains a location at 7 Entin Road, Parsippany, New Jersey 07054.

8. LVNV maintains a location at 700 Executive Center Drive, #300, Greenville, South Carolina 29615.

9. PRESSLER uses the instrumentalities of interstate commerce or the mails to engage in the principal business of collecting debt and/or to regularly engage in the collection or attempt to collect debt asserted to be due or owed to another.

10. LVNV uses the instrumentalities of interstate commerce or the mails to engage in the principal business of collecting debt.

11. PRESSLER is a “Debt Collector” as that term is defined by 15 U.S.C. § 1692(a)(6).

12. LVNV is a “Debt Collector” as that term is defined by 15 U.S.C. § 1692(a)(6).

13. John Does 1-25, are currently unknown Defendants whose identities will be obtained in discovery and at that time will be made parties to this action pursuant to the Federal Rules of Civil Procedure (hereinafter “FRCP”); Rule 15, Rule 20 and Rule 21. Plaintiff’s claims against the currently unknown Defendants arise out of the same transaction, occurrence or series of transactions arising from known Defendant’s actions and are due to common questions of law and fact whose joinder will promote litigation and judicial efficiency.

### **CLASS ACTION ALLEGATIONS**

14. Plaintiff brings this action as a state-wide class action, pursuant to Rule 23 of the FRCP, on behalf of herself and all New Jersey consumers and their successors in interest (the “Class”), who were sent debt collection letters and/or notices from the Defendants, in violation of the FDCPA, as described in this Complaint.

15. This Action is properly maintained as a class action. The Class is initially defined as:

All New Jersey consumers who were sent letters and/or notices from PRESSLER (See Exhibit A ) asserting that LVNV was the current judgment creditor in an attempt to collect on a judgment, which included the alleged conduct and practices described herein.

The class definition may be subsequently modified or refined.

The Class period begins one year prior to the filing of this Action.

16. The Class satisfies all the requirements of Rule 23 of the FRCP for maintaining a class action:

a. Numerosity: The Class is so numerous that joinder of all members is impracticable because there are hundreds and/or thousands of persons who

were sent debt collection letters and/or notices from the Defendant(s) that violate specific provisions of the FDCPA. Plaintiff is complaining about a standard form letter and/or notice that was sent to at least fifty (50) persons (See **Exhibit A**). The undersigned has, in accordance with FRCP Rule 5.2, redacted the financial account numbers and/or personal identifiers in said letter.

- b. Commonality: There are questions of law and fact common to the class members which predominate over questions affecting any individual Class member. These common questions of law and fact include, without limitation:
  - i. Whether the Defendants violated various provisions of the FDCPA as set forth herein:
  - ii. Whether Plaintiff and the Class have been injured by the Defendants' conduct;
  - iii. Whether Plaintiff and the Class have sustained damages and are entitled to restitution as a result of Defendants' wrongdoing and if so, what is the proper measure and appropriate statutory formula to be applied in determining such damages and restitution; and
  - iv. Whether Plaintiff and the Class are entitled to declaratory relief.
- c. Typicality: Plaintiff's claims are typical of the Class, which all arise from the same operative facts and are based on the same legal theories.
- d. Adequacy of Representation: Plaintiff has no interest adverse or antagonistic to the interest of the other members of the Class. Plaintiff will

fairly and adequately protect the interest of the Class and has retained experienced and competent attorneys to represent the Class.

17. A Class Action is superior to other methods for the fair and efficient adjudication of the claims herein asserted. Plaintiff anticipates no unusual difficulties in the management of this class action.

18. A Class Action will permit large numbers of similarly situated persons to prosecute their common claims in a single forum simultaneously and without the duplication of effort and expense that numerous individual actions would engender. Class treatment will also permit the adjudication of relatively small claims by many Class members who could not otherwise afford to seek legal redress for the wrongs complained of herein. Absent a Class Action, class members will continue to suffer losses of statutory protected rights as well as damages.

19. Defendant(s) have acted on grounds generally applicable to the entire Class, thereby making appropriate final relief with respect to the Class as a whole.

#### **STATEMENT OF FACTS**

20. Plaintiff is at all times to this lawsuit, a "consumer" as that term is defined by 15 U.S.C. § 1692a(3).

21. At some time prior to December 29, 2021, Plaintiff allegedly incurred a financial obligation to HSBC BANK ("HSBC").

22. The HSBC obligation arose out of a transaction, in which money, property, insurance or services, which are the subject of the transaction, are primarily for personal, family or household purposes.

23. Plaintiff allegedly incurred the HSBC obligation by obtaining goods and services which were primarily for personal, family and household purposes.

24. The HSBC obligation did not arise out of a transaction that was for non-personal use.

25. The HSBC obligation did not arise out of a transaction that was for business use.

26. The HSBC obligation is a "debt" as defined by 15 U.S.C. § 1692a(5).

27. HSBC is a "creditor" as defined by 15 U.S.C. § 1692a(4).





28. At some time prior to December 29, 2021, the HSBC obligation was allegedly purchased by and/or sold to NEW CENTURY FINANCIAL SERVICES, INC ("NEW CENTURY FINANCIAL").








29. In February 2014, a judgment was obtained on behalf of NEW CENTURY FINANCIAL against Plaintiff concerning the HSBC obligation in the Superior Court of New Jersey.

30. According to the Superior Court of New Jersey, NEW CENTURY FINANCIAL is still the one and only judgment creditor concerning the judgment obtained against the Plaintiff.

31. In July 2018, Philip Kahn, Esq. of FEIN, SUCH, KAHN & SHEPARD, P.C. filed a substitution of attorney with the Superior Court indicating that he and his law firm were substituting into the matter on behalf of the Plaintiff – NEW CENTURY FINANCIAL.

32. According to the Superior Court, the entries on the case since July 2018 are the following:

Filed Date	Filings	Docket Text	Transaction ID	Entry Date
07/30/2018		SUBSTITUTION OF ATTORNEY submitted by KAHN, PHILIP, A of FEIN SUCH KAHN & SHEPARD PC on behalf of NEW CENTURY FINANCIAL SERVICES against MICHELLE BRYANT	SCP20181687013	07/30/2018
10/25/2018		APPLICATION FOR WAGE EXECUTION submitted by KAHN, PHILIP, A of FEIN SUCH KAHN & SHEPARD PC on behalf of NEW CENTURY FINANCIAL SERVICES against MICHELLE BRYANT	SCP20182437659	10/25/2018
11/21/2018		SIGNED - WRIT OF EXECUTION AGAINST WAGES submitted by Case Management Staff	SCP20182662252	11/21/2018
11/22/2018		Execution Notice submitted by Case Management	SCP20182666539	11/22/2018

Filed Date	Filings	Docket Text	Transaction ID	Entry Date
01/14/2019		Writ Returned submitted by Court	SCP2019247530	01/30/2019
01/13/2022		APPLICATION FOR WAGE EXECUTION submitted by FELT, GERARD, J of PRESSLER FELT & WARSHAW, LLP on behalf of NEW CENTURY FINANCIAL SERVICES against MICHELLE BRYANT	SCP2022101970	01/13/2022
01/14/2022		<b>CLERK NOTICE:</b> re: APPLICATION FOR WAGE EXECUTION <a href="#">[SCP2022101970]</a> -totals do not match draft and application. Pleas review and resubmit.	SCP2022120722	01/14/2022
02/23/2022	 	SUBSTITUTION OF ATTORNEY submitted by FELT, GERARD, J of PRESSLER FELT & WARSHAW, LLP on behalf of NEW CENTURY FINANCIAL SERVICES against MICHELLE BRYANT	SCP2022465785	02/23/2022
03/01/2022	 	SUBSTITUTION OF ATTORNEY submitted by FELT, GERARD, J of PRESSLER FELT & WARSHAW, LLP on behalf of NEW CENTURY FINANCIAL SERVICES against MICHELLE BRYANT	SCP2022517239	03/01/2022

Showing 1 to 9 of 9 entries

33. Defendants caused to be delivered to Plaintiff a letter and a Notice of Application for Wage Execution dated December 29, 2021, which was addressed to Plaintiff. A copy of said communication is annexed hereto as **Exhibit A**, which is fully incorporated herein by reference.

34. The December 29, 2021 communication was sent to Plaintiff in connection with the collection of the HSBC judgment.

35. The December 29, 2021 letter is a “communication” as defined by 15 U.S.C. § 1692a(2).

36. Upon receipt, Plaintiff read the December 29, 2021 communication.

37. The December 29, 2021 letter advised Plaintiff that she was being contacted in reference to:

Re: NEW CENTURY FINANCIAL SERVICES, INC. - CURRENT ASSIGNEE,  
[HSBC, ORIGINAL CREDITOR] -vs- MICHELLE BRYANT

38. While the December 29, 2021 letter indicated that PRESSLER was acting on behalf of NEW CENTURY FINANCIAL as the current assignee, the letter also asserted that the current judgment creditor was LVNV FUNDING, LLC.

39. In the accompanying Notice of Application for Wage Execution, Gerald J. Felt, Esq. of PRESSLER indicated that his statements contained therein were true and not willfully false.

40. As such, Gerald J. Felt, Esq. of PRESSLER stated that the following statement was true and not willfully false:

TAKE NOTICE that an application is being made by the judgment-creditor to the above-named court, located at 71 MONUMENT PARK PO BOX 1270, FREEHOLD, NJ 07728 for a Wage Execution Order to issue against your salary, to be served on your employer,  
BRICK TOWNSHIP BOARD OF EDUCATION  
101 HENDRICKSON AVE  
BRICK TOWNSHIP NJ 087242574

41. The judgment-creditor as of December 29, 2021 was NEW CENTURY FINANCIAL, however PRESSLER was not acting on its behalf. Rather PRESSLER was acting on behalf of LVNV.

42. On January 13, 2022, Gerald J. Felt, Esq. of PRESSLER filed a Certification of Amount Due in Support of Execution Against Earnings Pursuant to 15 U.S.C. 1673 and N.J.S.A. 2A:17-56 ("Execution Certification") with the Superior Court of New Jersey. A copy of said communication is annexed hereto as **Exhibit B**, which is fully incorporated herein by reference.

43. The caption of the Execution Certification was:

Plaintiff                      NEW CENTURY FINANCIAL SERVICES, INC.  
   CURRENT ASSIGNEE, [HSBC, ORIGINAL  
   CREDITOR]

vs.

Designated Defendant,      MICHELLE BRYANT



44. The caption of the Execution Certification indicated that PRESSLER was acting on behalf of NEW CENTURY FINANCIAL – the current assignee (and current judgment creditor according to the Superior Court of New Jersey).

45. Gerald J. Felt, Esq. of PRESSLER indicated that his statements in the Execution Certification were true and not willfully false:

I CERTIFY that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Attorney for Judgment Creditor

/s/ Gerard J. Felt

Dated 01/13/2022

By: Gerard J. Felt

Pressler, Felt & Warshaw, LLP

7 Entin Rd.

Parsippany, NJ 07054-5020

1-973-753-5100

46. On February 22, 2022, Gerald J. Felt, Esq. of PRESSLER filed a letter and a Substitution of Attorney with the Superior Court of New Jersey. A copy of said communication is annexed hereto as **Exhibit C**, which is fully incorporated herein by reference.

47. The February 22, 2022 letter advised the Superior Court of New Jersey that PRESSLER was submitting a Substitution of Attorney to be filed and that it was acting in the following matter on behalf of NEW CENTURY FINANCIAL;

Re: . . . NEW CENTURY FINANCIAL SERVICES, INC. -CURRENT ASSIGNEE,  
[HSBC, ORIGINAL CREDITOR] -vs- MICHELLE BRYANT

48. The caption of the Substitution of Attorney submitted to the Superior Court of New Jersey by PRESSLER was:

NEW CENTURY FINANCIAL SERVICES, INC. CURRENT ASSIGNEE, [HSBC, ORIGINAL CREDITOR]

Plaintiff

Docket No. DC-000038-14

vs

CIVIL ACTION

MICHELLE BRYANT

SUBSTITUTION OF ATTORNEY

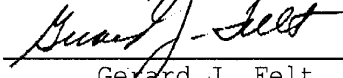
Defendant(s)

49. The Substitution of Attorney stated in part:

The undersigned hereby consent to the substitution of Pressler, Felt & Warshaw, LLP as Attorney(s) for the current judgment creditor in the above captioned matter.

Dated: 02/02/2022

PRESSLER, FELT & WARSHAW, LLP

  
Gerard J. Felt  
Superseding Attorney

FEIN, SUCH, KAHN & SHEPARD, P.C.

  
PHILIP A. KAHN  
Withdrawing Attorney

50. New Jersey Court Rule 4:26-1 requires that every action be prosecuted in the name of the real party in interest.

51. Defendants have not complied with New Jersey Court Rule 4:26-1.

52. New Jersey Court Rule 4:59-1 et seq. restricts the process to enforce judgments to the judgment creditor or successor in interest appearing of record.

53. LVNV is not the judgment creditor nor is it the successor in interest appearing of record.

54. According to the records maintained by the Superior Court of New Jersey, LVNV is not now, nor has it ever been recognized by the Superior Court as the judgment creditor for the judgment obtained against Plaintiff.

55. According to the Superior Court of New Jersey, NEW CENTURY FINANCIAL was and is still the judgment creditor at all times relevant herein.

56. According to the Superior Court of New Jersey, PRESSLER is and was acting at all times with respect to the judgment on behalf of NEW CENTURY FINANCIAL despite the fact that it is actually acting on behalf of LVNV.

57. Defendants have not complied with New Jersey Court Rule 4:59-1 et seq.

58. New Jersey Court Rule 1:4-10 governs the actions of an assignee of a judgment obtained in the Superior Court of New Jersey:

Assignment of Judgment

Whenever there shall be an assignment of a judgment, the assignee may become the assignee of record by filing the assignment of judgment with the Clerk of the Court that entered the judgment. All such assignments of judgment must be in writing, showing the date thereof; the name and address of the assignor and assignee; the amount of the judgment or the amount remaining due on the judgment, whichever is lesser, and when and by what court the judgment was granted; a statement describing the rights assigned; and the docket number. All such assignments of judgment shall be executed by the judgment creditor or, if applicable, by a prior assignee of record and must be acknowledged as are deeds for recordation. When such assignment is filed with the court as herein provided, all forms of post-judgment civil process thereafter shall be captioned in the name of the original judgment creditor with the added wording "by assignee" followed by the name of the assignee.

59. Defendants have not complied with New Jersey Court Rule 1:4-10.

60. Instead of complying with the New Jersey Rules of Court or the FDCPA, PRESSLER fraudulently asserted to the Superior Court of New Jersey and the Plaintiff that it was acting legally and under the color of law.

61. LVNV regularly monitors the actions of PRESSLER, and it was fully aware of the actions taken and approved of those actions taken by PRESSLER.

62. PRESSLER knew or should have known that its actions violated the FDCPA.

63. LVNV knew or should have known that its actions and that of PRESSLER violated the FDCPA.

64. The Defendants knowingly engaged in the conduct described herein.

65. Defendants could have taken the steps necessary to bring their actions within compliance with the FDCPA but neglected to do so and failed to adequately review its actions to ensure compliance with the law.

**POLICIES AND PRACTICES COMPLAINED OF**

66. It is Defendants' policy and practice to send written collection communications, in the form annexed hereto as **Exhibit A**, which violate the FDCPA, by *inter alia*:

- (a) Using false, deceptive or misleading representations or means in connection with the collection of a debt;
- (b) Making a false representation of the character or legal status of the debt;
- (c) Representing or implying that nonpayment of any debt will result in the seizure, garnishment, attachment or sale of any property or wages of any person unless such action is lawful and the debt collector or creditor intends to take such action;
- (d) Threatening to take any action that cannot legally be taken or that is not intended to be taken;
- (e) Using any written communication which simulates or is falsely represented to be a document authorized, issued, or approved by any court or which gives the false impression as to its source, authorization or approval;
- (f) Falsely representing or implying that documents are legal process; and
- (g) Using unfair or unconscionable means to collect or attempt to collect any debt.

67. Defendants have sent written communications in the form annexed hereto as **Exhibit A**, to at least 50 natural persons in the state of New Jersey within one year of this Complaint.

**COUNT I**

**FAIR DEBT COLLECTION PRACTICES ACT, 15 U.S.C. §  
1692 *et seq.* VIOLATIONS**

68. Plaintiff, on behalf of herself and others similarly situated, repeats and realleges all prior allegations as if set forth at length herein.

69. Collection letters and/or notices, such as those sent by Defendants, are to be evaluated by the objective standard of the hypothetical “least sophisticated consumer.”

70. The form, layout and content of Defendant’s letter would cause the least sophisticated consumer to be confused about his or her rights.

71. Defendants’ attempt to collect the alleged debt as described herein violated various provisions of the FDCPA including but not limited to: 15 U.S.C. § 1692e; § 1692e(2)(A); § 1692e(5); § 1692e(9); § 1692e(10); and § 1692e(13).

72. Defendants violated 15 U.S.C. § 1692e of the FDCPA by using any false, deceptive or misleading representation or means in connection with their attempts to collect debts from Plaintiff and others similarly situated.

73. Defendants violated 15 U.S.C. § 1692e of the FDCPA in connection with their communications to Plaintiff and others similarly situated.

74. As described herein, Defendants violated 15 U.S.C. § 1692e of the FDCPA.

75. Defendant’s false, misleading and deceptive statement(s) is material to the least sophisticated consumer.

76. 15 U.S.C. § 1692e(2)(A) of the FDCPA prohibits a debt collector from making a false representation of the character, amount or legal status of a debt.

77. As described herein, Defendants violated 15 U.S.C. § 1692e(2)(A).

78. 15 U.S.C. § 1692e(5) of the FDCPA prohibits a debt collector from threatening to take any action that cannot legally be taken or that is not intended to be taken.

79. As described herein, Defendants violated 15 U.S.C. § 1692e(5).

80. As described herein, Defendants violated 15 U.S.C. § 1692e(9).

81. 15 U.S.C. § 1692e(10) prohibits the use of any false representation or deceptive means to collect or attempt to collect any debt.

82. As described herein, Defendants violated 15 U.S.C. § 1692e(10).

83. As described herein, Defendants violated 15 U.S.C. § 1692e(13).

84. Defendant PRESSLER is vicariously liable for any violations of the FDCPA that LVNV committed as described herein.

85. Defendant LVNV is vicariously liable for any violations of the FDCPA that PRESSLER committed as described herein. See Fox v. Citicorp Credit Services, Inc., 15 F.3d 1507 (9th Cir. 1994); Pollice v. National Tax Funding, L.P., 225 F.3d 379 (3d Cir. 2000).

86. Congress enacted the FDCPA in part to eliminate abusive debt collection practices by debt collectors.

87. Plaintiff and others similarly situated have a right to be free from abusive debt collection practices by debt collectors.

88. Plaintiff and others similarly situated have a right to receive proper notices mandated by the FDCPA.

89. Plaintiff and others similarly situated were sent letters, which could have affected their decision-making with regard to the debt.

90. Plaintiff and others similarly situated have suffered harm as a direct result of the abusive, deceptive and unfair collection practices described herein.

91. Plaintiff has suffered damages and other harm as a direct result of Defendants actions, conduct, omissions and violations of the FDCPA described herein.

**WHEREFORE**, Plaintiff demands judgment against Defendants as follows:

- (a) Declaring that this action is properly maintainable as a Class Action and certifying Plaintiff as Class representative and her attorneys as Class Counsel;
- (b) Awarding Plaintiff and the Class statutory damages;
- (c) Awarding Plaintiff and the Class actual damages, including but not limited to a disgorgement of all money collected during the relevant period;
- (d) Awarding pre-judgment interest;
- (e) Awarding post-judgment interest.
- (f) Awarding Plaintiff costs of this Action, including reasonable attorneys' fees and expenses; and
- (g) Awarding Plaintiff and the Class such other and further relief as the Court may deem just and proper.

**DEMAND FOR TRIAL BY JURY**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff hereby requests a trial by jury on all issues so triable.

Dated: March 3, 2022

Respectfully submitted,

By: s/ Joseph K. Jones  
Joseph K. Jones, Esq. (JJ5509)  
JONES, WOLF & KAPASI, LLC  
375 Passaic Avenue  
Fairfield, New Jersey 07004  
Phone: (973) 227-5900  
Fax: (973) 244-0019  
Attorneys for Plaintiff

**CERTIFICATION PURSUANT TO LOCAL RULE 11.2**

I, hereby certify that the matter in controversy is not the subject of any other court, arbitration or administrative proceeding.

Dated: March 3, 2022

*s/ Joseph K. Jones*  
Joseph K. Jones, Esq. (JJ5509)



# EXHIBIT

A

SHELDON B. PRESSLER(1955-2017)

GERARD J. FELT (NJ)

DAVID B. WARSHAW (NJ,NY,MA)

MICHAEL J. PETERS (NJ,NY)

CHRISTOPHER P. ODOGBILLI (NJ)

DARREN H. TANAKA (NJ,NY)

FRANCIS X. GRIMES (NJ,PA)

CRAIG S. STILLER (NJ,NY,PA)

IAN Z. WINOGRAD(NJ,NY,PA,DC)

**PRESSLER, FELT & WARSHAW, L.L.P.**

ATTORNEYS AT LAW

7. Entin Rd.

Parsippany, NJ 07054-5020

Office: 1-973-753-5100

Toll Free: 1-888-312-8600

Fax: 1-973-753-5353

Website: pfwattorneys.com

NY Office

305 Broadway

Suite 802

New York, NY 10007

PA Office

400 Horsham Rd.

Suite 110

Horsham, PA 19044

DONALD V. VALENZANO JR. (NJ,NY)

PATRICK WONG (NJ,NY)

JESSE R. BARREIRO (NJ,IL)

HOWARD SCHACHTER (NJ,NY)

MATTHEW J. MARTELLO (NJ,PA)

THEOLOGIA PAPADELIAS (NJ)

GERARDINO DI POPOLO (NJ)

STEVEN P. BANN (NJ,NY)

SEAN P. STEVENS (PA)

RYAN R. TAPPAN (NY)

CHRISTOPHER J. HORGAN (NJ,PA)

MATTHEW FALLINGS (PA)

CHRISTOPHER B. CARFAGNO (PA)

LLOYD GARNER (NJ)

**OFFICE HOURS:**

Monday-Friday: 8am-6pm

DCWP License Number: 2069242-DCA

Reply to [X] NJ Office [ ] NY Office [ ] PA Office

12/29/2021



MICHELLE BRYANT

Re: NEW CENTURY FINANCIAL SERVICES, INC. -CURRENT ASSIGNEE,  
[HSBC, ORIGINAL CREDITOR] -vs- MICHELLE BRYANT  
Superior Court of New Jersey: Law Division  
MONMOUTH Special Civil Part  
Docket Number: DC-000038-14  
PFW File Number: [REDACTED]  
Original Creditor: HSBC  
Current Judgment Creditor: LVNV Funding LLC

Dear MICHELLE BRYANT

Please be advised that we represent LVNV Funding LLC, the  
current judgment creditor in the above-referenced matter.

Attached please find our Notice of Application for Wage  
Execution.

PRESSLER, FELT & WARSHAW, LLP

Gerard J. Felt

THIS COMMUNICATION IS FROM A DEBT COLLECTOR. THIS IS AN ATTEMPT  
TO COLLECT A DEBT. ANY INFORMATION OBTAINED WILL BE USED FOR THAT  
PURPOSE.

NOTICE: This is a public document, which means the document as submitted will be available to the public upon request. Therefore, do not enter personal identifiers on it, such as Social Security number, driver's license number, vehicle plate number, insurance policy number, active financial account number, or active credit card number.

PFW File Number Number B204298  
Pressler, Felt & Warshaw, LLP  
Attorneys At Law  
7 Entin Rd.  
Parsippany, NJ 07054-5020  
Attorney(s) for Judgment Creditor  
1-973-753-5100

Superior Court Of New Jersey  
Law Division MONMOUTH Special Civil Part  
Docket # DC-000038-14 Civil Action  
NOTICE OF APPLICATION FOR WAGE EXECUTION

NEW CENTURY FINANCIAL SERVICES, INC. CURRENT  
ASSIGNEE, [HSBC, ORIGINAL CREDITOR]  
Plaintiff(s)

To: MICHELLE BRYANT  
35 PEARCE AVE  
EATONTOWN, NJ 077241711

-VS-

MICHELLE BRYANT  
Defendant(s)

TAKE NOTICE that an application is being made by the judgment-creditor to the above-named court, located at 71 MONUMENT PARK PO BOX 1270, FREEHOLD, NJ 07728 for a Wage Execution Order to issue against your salary, to be served on your employer,  
BRICK TOWNSHIP BOARD OF EDUCATION  
101 HENDRICKSON AVE  
BRICK TOWNSHIP NJ 087242574

for: (a) 10% of your gross salary when the same shall equal or exceed the amount of \$217.50 per week; or (b) 25% of your disposable earnings for that week; or (c) the amount, if any, by which your disposable weekly earnings exceed \$217.50, whichever shall be the least. Disposable earnings are defined as that portion of the earnings remaining after the deduction from the gross earnings of any amounts required by law to be withheld. In the event the disposable earnings so defined are \$217.50 or less, if paid weekly, or \$435.00 or less, if paid every two weeks, or \$471.25 or less, if paid twice a month, or \$942.50, or less, if paid monthly then no amount shall be withheld under this execution. In no event shall more than 10% of gross salary be withheld and only one execution against your wages shall be satisfied at a time. Your employer may not discharge, discipline or discriminate against you because your earnings have been subjected to garnishment.

You may notify the Office of the Special Civil Part and the attorneys for judgment-creditor, whose address appears above, in writing, within ten days after service of this notice upon you, why such an Order should not be issued, and thereafter the application for the Order will be set down for a hearing of which you will receive notice of the date, time and place.

If you do not notify the Office of the Special Civil Part and judgment-creditor's attorney, or the judgment-creditor if there is no attorney, in writing of your objection, you will receive no further notice and the Order will be signed by the Judge as a matter of course.

You also have a continuing right to object to the wage execution or apply for a reduction in the amount withheld even after it has been issued by the Court. To object or apply for a reduction, file a written statement of your objection or reasons for a reduction with the Office of the Special Civil Part and send a copy to the creditor's attorney or directly to the creditor if there is no attorney. You will be entitled to a hearing within 7 days after you file your objection or application for a reduction.

CERTIFICATION OF SERVICE. I served the within Notice upon judgment-debtor, MICHELLE BRYANT on this date by sending it simultaneously by regular and certified mail, return receipt requested, to the judgment-debtor's last known home address, set forth above. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to the punishment.

PRESSLER, FELT & WARSHAW, LLP  
/s/ Gerard J. Felt  
Gerard J. Felt  
Attorney for Judgment Creditor

Dated: 12/29/2021

# EXHIBIT

## B

Gerard J. Felt - 023071981  
STATE OF NEW JERSEY  
SUPERIOR COURT OF NEW JERSEY: LAW DIVISION  
MONMOUTH SPECIAL CIVIL PART  
DOCKET # DC-000038-14

PFW File Number [REDACTED]  
Acct # [REDACTED]  
Ref # 227759941

CERTIFICATION OF AMOUNT DUE  
IN SUPPORT OF  
EXECUTION AGAINST EARNINGS  
PURSUANT TO 15 U.S.C. 1673  
AND N.J.S.A. 2A:17-56

Plaintiff NEW CENTURY FINANCIAL SERVICES, INC.  
CURRENT ASSIGNEE, [HSBC, ORIGINAL  
CREDITOR]

vs.  
Designated Defendant, MICHELLE BRYANT

Name and Address of Employer Ordered to make Deductions:  
BRICK TOWNSHIP BOARD OF EDUCATION  
101 HENDRICKSON AVE  
BRICK TOWNSHIP NJ 087242574

Judgment Date.....	02/26/14
Judgment Award.....\$	695.34
Court Costs & State Atty. Fees.....\$	67.91
Total Judgment Amount.....\$	763.25
Interest From Prior Writs.....\$	6.59
Costs From Prior Writs.....\$	44.00
Subtotal A.....\$	813.84
Credits From Prior Writs.....\$	0.00
Subtotal B.....\$	813.84
New Miscellaneous Costs.....\$	0.00
New Interest on this Writ.....\$	49.42
New Credits On This Writ.....\$	41.25
Execution Fees & Mileage.....\$	42.00
Subtotal C.....\$	864.01
Court Officer Fee.....\$	86.40
Total Due this Date.....\$	950.41

Please issue to Court Officer, OCEAN County:

I CERTIFY that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Attorney for Judgment Creditor

/S/ Gerard J. Felt

Dated 01/13/2022

By: Gerard J. Felt  
Pressler, Felt & Warshaw, LLP  
7 Entin Rd.  
Parsippany, NJ 07054-5020  
1-973-753-5100

NOTICE: This is a public document, which means the document as submitted will be available to the public upon request. Therefore, do not enter personal identifiers on it, such as Social Security number, driver's license number, vehicle plate number, insurance policy number, active financial account number, or active credit card number.

PFW File Number Number B204298  
Pressler, Felt & Warshaw, LLP  
Attorneys At Law  
7 Entin Rd.  
Parsippany, NJ 07054-5020  
Attorney(s) for Judgment Creditor  
1-973-753-5100

Superior Court Of New Jersey  
Law Division MONMOUTH Special Civil Part  
Docket # DC-000038-14 Civil Action  
NOTICE OF APPLICATION FOR WAGE EXECUTION

NEW CENTURY FINANCIAL SERVICES, INC. CURRENT  
ASSIGNEE, [HSBC, ORIGINAL CREDITOR]  
Plaintiff(s)

To: MICHELLE BRYANT  
35 PEARCE AVE  
EATONTOWN, NJ 077241711

-vs-

MICHELLE BRYANT  
Defendant(s)

TAKE NOTICE that an application is being made by the judgment-creditor to the above-named court, located at 71 MONUMENT PARK PO BOX 1270, FREEHOLD, NJ 07728 for a Wage Execution Order to issue against your salary, to be served on your employer,  
BRICK TOWNSHIP BOARD OF EDUCATION  
101 HENDRICKSON AVE  
BRICK TOWNSHIP NJ 087242574

for: (a) 10% of your gross salary when the same shall equal or exceed the amount of \$217.50 per week; or (b) 25% of your disposable earnings for that week; or (c) the amount, if any, by which your disposable weekly earnings exceed \$217.50, whichever shall be the least. Disposable earnings are defined as that portion of the earnings remaining after the deduction from the gross earnings of any amounts required by law to be withheld. In the event the disposable earnings so defined are \$217.50 or less, if paid weekly, or \$435.00 or less, if paid every two weeks, or \$471.25 or less, if paid twice a month, or \$942.50, or less, if paid monthly then no amount shall be withheld under this execution. In no event shall more than 10% of gross salary be withheld and only one execution against your wages shall be satisfied at a time. Your employer may not discharge, discipline or discriminate against you because your earnings have been subjected to garnishment.

You may notify the Office of the Special Civil Part and the attorneys for judgment-creditor, whose address appears above, in writing, within ten days after service of this notice upon you, why such an Order should not be issued, and thereafter the application for the Order will be set down for a hearing of which you will receive notice of the date, time and place.

If you do not notify the Office of the Special Civil Part and judgment-creditor's attorney, or the judgment-creditor if there is no attorney, in writing of your objection, you will receive no further notice and the Order will be signed by the Judge as a matter of course.

You also have a continuing right to object to the wage execution or apply for a reduction in the amount withheld even after it has been issued by the Court. To object or apply for a reduction, file a written statement of your objection or reasons for a reduction with the Office of the Special Civil Part and send a copy to the creditor's attorney or directly to the creditor if there is no attorney. You will be entitled to a hearing within 7 days after you file your objection or application for a reduction.

CERTIFICATION OF SERVICE. I served the within Notice upon judgment-debtor, MICHELLE BRYANT on this date by sending it simultaneously by regular and certified mail, return receipt requested, to the judgment-debtor's last known home address, set forth above. I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to the punishment.

PRESSLER, FELT & WARSHAW, LLP  
/s/ Gerard J. Felt  
Gerard J. Felt  
Attorney for Judgment Creditor

Dated: 12/29/2021

Plaintiff : NEW CENTURY FINANCIAL SERVICES, INC. CURRENT ASSIGNEE, [HSBC]  
ORIGINAL CREDITOR

Start Date : 02/26/14

Total Accumulated Interest 56.01 Ending Rate 0.25

**Wage Execution**

Superior Court of New Jersey  
Law Division, Special Civil Part  
MONMOUTH County  
Telephone Number 7323588700 Ext. 87905  
Docket Number: MON-DC-000038-14

Order and Execution Against Earnings  
Pursuant to 15 U.S.C. 1673 and N.J.S.A. 2A:17-56  
Judgment Number VJ-1645-14  
Writ Number Issued

NEW CENTURY FINANCIA

Plaintiff

vs

MICHELLE BRYANT

Designated Defendant

35 PEARCE AVE  
EATONTOWN NJ 07724

Name and Address of Employer Ordered to Make Deductions  
BRICK TOWNSHIP BOARD OF EDUCAT  
101 HENDRICKSON AVE  
BRICK TOWNSHIP NJ 08724-2574

Unless the designated defendant is currently subject to withholding under another wage execution, the employer is ordered to deduct from the earnings which the designated defendant receives and to pay over to the court officer named below, the lesser of the following: (a) 10% of the gross weekly pay; or (b) 25% of disposable earnings for that week; or (c) the amount, if any, by which the designated defendant's disposable weekly earnings exceed \$217.50 per week, until the total amount due has been deducted or the complete termination of employment. Upon either of these events, an immediate accounting is to be made to the court officer. Disposable earnings are defined as that portion of the earnings remaining after the deduction from gross earnings of any amounts required by law to be withheld. In the event the disposable earnings so defined are \$217.50 or less, if paid weekly, or \$435.00 or less, if paid every two weeks, or \$471.25 or less, if paid twice per month, or \$942.50, or less, if paid monthly then no amount shall be withheld under this execution. In no event shall more than 10% of gross salary be withheld and only one execution against the wages of the designated defendant shall be satisfied at a time. Please refer to the section of this form titled "How to Calculate Proper Garnishment Amount".

The employer shall immediately give the designated defendant a copy of this order. The designated defendant may object to the wage execution or apply for a reduction in the amount withheld at any time. To object or apply for a reduction, a written statement of the objection or reasons for a reduction must be filed with the Clerk of the Court and a copy must be sent to the creditor's attorney or directly to the creditor if there is no attorney. A hearing will be held within 7 days after filing the objection or application for a reduction. According to law, no employer may terminate an employee because of a garnishment.

Judgment Date	02/26/2014
Judgment Award.	\$ 695.34
Court Costs & Stat Atty. Fees	\$ 67.91
Total Judgment Amount	\$ 763.25
Interest from Prior Writs	\$ 12.37
Costs from Prior Writs	\$ 44.00
Subtotal A	\$ 819.62
Credits from Prior Writs	\$ 0.00
Subtotal B	\$ 819.62
New Miscellaneous Costs	\$ 0.00
New Interest on this Writ	\$ 49.42
New Credits on this Writ	\$ 41.25
Execution Fees & Mileage	\$ 42.00
Subtotal C	\$ 869.79
Court Officer Fee	\$ 86.98
Total due this date	\$ 956.77

Date



Judge

Michelle M. Smith  
Clerk of the Superior Court

Make payments at least monthly to Court Officer as set forth:

Court Officer



Plaintiff's Attorney and Address:

FELT, GERARD, J  
PRESSLER FELT & WARSHAW, LLP  
7 ENTIN RD

PARSIPPANY NJ 070549944  
973-753-5100

I RETURN this execution to the Court

☐ Unsatisfied ☐ Satisfied ☐ Partly Satisfied

Amount Collected \$ \_\_\_\_\_

Fee Deducted \$ \_\_\_\_\_

Amount Due to Attorney \$ \_\_\_\_\_

Date \_\_\_\_\_

\_\_\_\_\_  
Court Officer:

### How to Calculate Proper Garnishment Amount

1. Gross pay per pay period	\$
2. Less amounts legally required to be deducted:	
a. Federal Income Tax	\$
b. Social Security (FICA or OASDI)	\$
c. Medicare	\$
d. State Income Tax	\$
e. Unemployment Insurance (SUI)	\$
f. Temporary Disability Insurance (TDI)	\$
g. Family Leave Insurance (FLI)	\$
h. Workforce Development Fund/Supplement Workforce (WFD/SWF)	\$
i. Other	\$
3. Total allowable deductions (add lines a - i)	\$
4. Net pay (Subtract line 3 from line 1)	\$
5. <b>Exemption Amount</b>	
<b>If salary is paid:</b>	<b>Subtract</b>
Weekly	\$217.50
Every two weeks	\$435.00
Twice per month	\$471.25
Monthly	\$942.50
(Federal law prohibits any garnishment when net pay is smaller than the exemption amount on line 5)	-
6. Equals the amount potentially subject to garnishment (subtract line 5 from line 4 and if less than zero, enter zero)	=
7. Take net pay (line 4) and multiply by .25	\$ x .25 =
8. Take "gross pay" (line 1) and multiply by .10	\$ x .10 =
9. Compare lines 6, 7 and 8 - the amount which may lawfully be deducted is the smallest amount on line 6, line 7, or line 8.	\$

Source: 15 U.S.C. 1671 *et seq.*; 29 C.F.R. 870; *N.J.S.A. 2A:17- 50 et seq.*

[Note: Former Appendix XI-I adopted effective January 2, 1989; amended June 29, 1990, effective September 4, 1990; amended July 14, 1992, effective September 1, 1992; redesignated as Appendix XI-J and amended July 13, 1994, effective September 1, 1994; amended September 27, 1996, effective October 1, 1996; amended July 30, 1997, effective September 1, 1997; amended July 28, 2004 to be effective September 1, 2004; amended July 3, 2007, to be effective July 24, 2007; amended July 2, 2008, to be effective July 24, 2008; amended July 9, 2009 to be effective July 24, 2009; amended November 6, 2013 to be effective November 25, 2013; amended July 22, 2014 to be effective September 1, 2014; amended August 1, 2016 to be effective September 1, 2016; amended March 7, 2017 to be effective immediately, amended July 31, 2020 to be effective September 1, 2020.

# EXHIBIT

# C

Gerard J. Felt - 023071981

SHELDON H. PRESSLER (1955-2017)  
-----  
GERARD J. FELT (NJ)  
DAVID B. WARSHAW (NJ, NY, MA)  
-----  
MICHAEL J. PETERS (NJ, NY)  
CHRISTOPHER P. ODOGBILI (NJ)  
DARREN H. TANAKA (NJ, NY)  
FRANCIS X. GRIMES (NJ, PA)  
CRAIG S. STILLER (NJ, NY, PA)  
IAN Z. WINOGRAD (NJ, NY, PA, DC)  
DONALD V. VALENZANO JR. (NJ, NY)

PRESSLER, FELT & WARSHAW, L.L.P.  
ATTORNEYS AT LAW  
7 Entin Rd.  
Parsippany, NJ 07054-5020  
Office: 1-973-753-5100  
Toll Free: 1-888-312-8600  
Fax: 1-973-753-5353  
Website: pfwattorneys.com  
NY Office  
305 Broadway  
Suite 802  
New York, NY 10007

PATRICK WONG (NJ, NY)  
JESSE R. BARREIRO (NJ, IL)  
HOWARD SCHACHTER (NJ, NY)  
MATTHEW J. MARTELLO (NJ, PA)  
THEOLOGIA PAPADELIAS (NJ)  
GERARDINO DI POPOLO (NJ)  
STEVEN P. BANN (NJ, NY)

SEAN P. STEVENS (PA)  
RYAN R. TAPPAN (NY)  
CHRISTOPHER J. HORGAN (NJ, PA)  
MATTHEW FALLINGS (PA)  
CHRISTOPHER B. CARFAGNO (PA)  
LLOYD GARNER (NJ)  
DANTE P. CIANNI (NJ)

-----  
OFFICE HOURS:  
Monday-Friday: 8am-6pm  
DCWP License Number: 2069242-DCA  
Reply to [X] NJ Office [ ] NY Office [ ] PA Office

02/22/2022

Clerk, MONMOUTH Special Civil Part  
71 MONUMENT PARK  
PO BOX 1270  
FREEHOLD, NJ 07728

Re: NEW CENTURY FINANCIAL SERVICES, INC. CURRENT ASSIGNEE,  
[HSBC, ORIGINAL CREDITOR] vs MICHELLE BRYANT  
Superior Court of New Jersey: Law Division  
MONMOUTH Special Civil Part  
Docket Number DC-000038-14  
PFW File Number [REDACTED]

Dear Sir/Madam:

Enclosed please find a Substitution of Attorney for filing with the Court. You may debit my collateral account [REDACTED] and reference number 227955183 in the amount of \$35.00.

I have been advised that the Court will not process the enclosed Substitution of Attorney without the filing fee nor will the court accept a notice of appearance in lieu of a Substitution of Attorney as allowed by Rule 1:11-3. It is our position that a filing fee should not be required for my firm to enter its appearance on a judgment that is more than 45 days old.

In order to protect the interests of our client and proceed to enforce their rights, I am enclosing the requested filing fee, paid under protest and with reservation of all rights.

Very truly yours,

PRESSLER, FELT & WARSHAW, LLP

/S/ Gerard J. Felt

Gerard J. Felt

Enc.

PFW File# [REDACTED]

Gerard J. Felt - 023071981

Attorney(s): Pressler, Felt & Warshaw, LLP  
Office Address : 7 Entin Rd. Parsippany, NJ 07054-5020  
Telephone : 1-973-753-5100  
Attorney(s) for: LVNV Funding LLC , the current judgment creditor

Superior Court of New Jersey  
MONMOUTH Special Civil Part

NEW CENTURY FINANCIAL SERVICES, INC. CURRENT ASSIGNEE, [HSBC, ORIGINAL CREDITOR]

Plaintiff

Docket No. DC-000038-14

vs

CIVIL ACTION

MICHELLE BRYANT

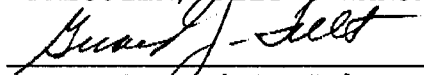
SUBSTITUTION OF ATTORNEY

Defendant(s)

The undersigned hereby consent to the substitution of Pressler, Felt & Warshaw, LLP as Attorney(s) for the current judgment creditor in the above captioned matter.

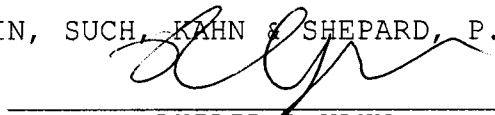
Dated: 02/02/2022

PRESSLER, FELT & WARSHAW, LLP



Gerard J. Felt  
Superseding Attorney

FEIN, SUCH, KAHN & SHEPARD, P.C.



PHILIP A KAHN  
Withdrawing Attorney

Pressler, Felt & Warshaw, LLP

FEB 17 2022